

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

UNITED STATES OF AMERICA,

v.

**Criminal Action No. 1:20-CR-27
(KLEEH)**

RETA MAYS,

Defendant.

UNITED STATES' STATUS REPORT

Now comes the United States of America and William J. Powell, United States Attorney for the Northern District of West Virginia, by Jarod J. Douglas, Assistant United States Attorney for said District, and provide the follow status report regarding the parties' efforts to obtain the defendant's military mental health records.

1. On December 4, 2020, the government filed a written status report [Doc. 62], as directed by the Court during a status conference on November 18, 2020. The report outlined the government's efforts since November 18 to assist the defendant in obtaining her military medical records from the time that she was in theater from February 3, 2003 to May 4, 2004. As relevant here, the report explained the following about those records:

- a. The records would have been maintained in the Global Expeditionary Medical System ("GEMS"), which the government has learned is no longer in service.
- b. The Theater Medical Data Store ("TMDS"), operated by the Defense Health Agency, could locate only a single medical record for the defendant, which did not relate to mental health.
- c. The government was in the process of obtaining medical records on file with the West Virginia Army National Guard (the "Guard") to compare those records to the

medical records associated with the defendant's VA disability claim in 2011, which includes an October 2003 GEMS record relating to mental health.

2. On December 9, 2020, the Guard provided the government with the defendant's medical records in its possession. On the same date, the government provided those records to defense counsel. The Guard file does not include any additional theater-era mental health records than are contained in the defendant's VA disability claim file, which defense counsel have had since July 31, 2020.

3. The government has now concluded its available efforts to assist the defendant in locating any additional mental health records.

4. In sum, the defendant is in possession of an October 2003 mental health record and her entire health record from VAMC Clarksburg for the period of June 2004 until her incarceration, which includes mental health records within weeks of her offenses.

5. Defense counsel have continued to indicate their intent to address the mental health issue for sentencing mitigation purposes through only a written report prepared by an expert.

6. Accordingly, the government proposes the following schedule leading up to the defendant's sentencing hearing on February 18-19, 2021:

- a. Disclosure of any opening expert reports on or before **January 22, 2021**.
- b. Disclosure of any responsive expert reports on or before **February 5, 2021**.
- c. Filing of sentencing memoranda on or before **February 12, 2021**.

7. On December 10, 2020, the undersigned consulted with defense counsel regarding this proposed schedule. Defense counsel indicated that it could not agree to these dates. Instead of proposing alternative dates, defense counsel stated that they would be filing a motion to continue the sentencing date of February 18-19, 2021. The government will oppose such a motion.

Respectfully submitted,

WILLIAM J. POWELL
UNITED STATES ATTORNEY

By: /s/ Jarod J. Douglas
Jarod J. Douglas
Assistant U. S. Attorney

CERTIFICATE OF SERVICE

I, Jarod J. Douglas, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on the 10th day of December 2020, the foregoing UNITED STATES' STATUS REPORT was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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